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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 HORACE G. FRIEND,

11 Plaintiff,

12 v.

13 U.S. ATTORNEY GENERAL,

14 Defendant.

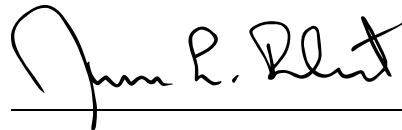
CASE NO. C21-5566JLR

ORDER ON REFERRAL FROM
NINTH CIRCUIT

15 Before the court is a referral notice filed by the Ninth Circuit Court of Appeals.
16 (Not. (Dkt. # 17).) Plaintiff Horace G. Friend appealed this court's order dismissing his
17 amended complaint for failure to state a claim. (*See* 9/21/21 Order (Dkt. # 9); Judgment
18 (Dkt. # 14); Not. of Appeal (Dkt. # 15).) The Ninth Circuit has referred the matter back
19 to this court "for the limited purpose of determining whether in forma pauperis status
20 should continue for this appeal or whether the appeal is frivolous or taken in bad faith."
21 (Not. (citing 28 U.S.C. § 1915(a)(3)).)
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1 Although the court determined that Mr. Friend's amended complaint failed to state
2 a claim, it does not find that his appeal is frivolous or taken in bad faith. *See* 28 U.S.C.
3 § 1915(a)(3). Accordingly, the court determines that Mr. Friend's in forma pauperis
4 status should continue on appeal.

5 Dated this 19th day of October, 2021.

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8 JAMES L. ROBART
9 United States District Judge
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